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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,947	10/07/2005	Nopiaki Fujii	107348-00449	4969
4372	7590	08/01/2007		
ARENT FOX PLLC 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER CHANG, CHING	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 08/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,947

Applicant(s)

FUJII ET AL.

Examiner

Ching Chang

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-11 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 12-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/16/04, 5/7/07, 5/8/07</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not identify the citizenship of each inventor properly. The citizenship of each inventor should be -- Japan --.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. ***Claims 1-3, and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Takenaka ('JP 523).***

Takenana discloses a valve-operating system (See Figs. 1-6) for an internal combustion engine, comprising a rocker arm (4) having a valve abutment abutting

against an engine valve (v) and a cam abutment contacting with a valve-operating cam (7), and a pair of link arms (9, 10) each of which is supported at one end thereof on an engine body (E) for swinging movement about an axis parallel to a rotational axis for said valve-operating cam and connected at the other end directly to said rocker arm for relative turning movement about an axis parallel to said rotational axis, said one end of at least any one of said link arms being swingably supported on said engine body for continuous movement within a plane perpendicular to the rotational axis for said valve-operating cam; wherein said link arms are connected at the other ends in a row and relatively turnably to the other end of said rocker arm provided at one end thereof with said valve abutment; wherein one of said link arms closer to said valve-operating cam is swingably supported at one end thereof on the engine body in a fixed position, and one of said link arms farther from said valve-operating cam is swingably supported at one end thereof movable on the engine body; wherein one ends of said link arms are disposed on a side opposite from said engine valve with respect to the other ends of said link arms.

5. ***Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Fukuma (JP '227).***

Fukuma discloses a valve-operating system (See Figs. 14, 17-18) for an internal combustion engine, comprising a rocker arm (54) having a valve abutment abutting against an engine valve (52) and a cam abutment contacting with a valve-operating cam (50), and a pair of link arms (67, 56b) each of which is supported at one end thereof on an engine body for swinging movement about an axis parallel to a

rotational axis for said valve-operating cam and connected at the other end directly to said rocker arm for relative turning movement about an axis parallel to said rotational axis, said one end of at least any one of said link arms being swingably supported on said engine body for continuous movement within a plane perpendicular to the rotational axis for said valve-operating cam; wherein said link arms are connected at the other ends in a row and relatively turnably to the other end of said rocker arm provided at one end thereof with said valve abutment.

6. *Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over Cecur (EP '885).*

Cecur discloses a valve-operating system (See Fig. 1) for an internal combustion engine, comprising a rocker arm (2) having a valve abutment abutting against an engine valve (v) and a cam abutment contacting with a valve-operating cam (c), and a pair of link arms (3, 4) each of which is supported at one end thereof on an engine body for swinging movement about an axis parallel to a rotational axis for said valve-operating cam and connected at the other end directly to said rocker arm for relative turning movement about an axis parallel to said rotational axis; said one end of at least any one of said link arms being swingably supported on said engine body for continuous movement within a plane perpendicular to the rotational axis for said valve-operating cam; wherein said link arms are connected at the other ends in a row and relatively turnably to the other end of said rocker arm provided at one end thereof with said valve abutment.

Allowable Subject Matter

7. Claims 4-9, and 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ching Chang whose telephone number is (571)272-4857. The examiner can normally be reached on M-Th, 7:00 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571)272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CHING CHANG
PRIMARY EXAMINER
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